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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,131	11/20/2000	James Thomas Edward McDonnell	1509-135	6368

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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/715,131

Applicant(s)

MCDONNELL ET AL.

Examiner

Khawar Iqbal

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) /
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

Authorization for this examiner's amendment was given in a telephone interview with Allan Lowe on 7-23-03.

The application has been amended as follows:

In claim 29, line 17, "preceding methods according to the present invention thereby converting a mobile device into a mobile device in accordance with the present invention" has been changed to --method of claim 1--;

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6,9,11-19,21-24,30-32 are rejected under 35 U.S.C. 102(e) as being unpatentable by Raith (6493550).

3. Regarding claim 1 Raith teaches a method of data transfer including (abstract, figs. 1,3 and 5):

providing first (300,310) and second (320) communication links of differing bandwidths between a network and a mobile device (350) (col. 5, lines 1-23);

notifying the mobile device of data awaiting transfer thereto from the network via the first, lower bandwidth, communication link (col. 5, lines 49-64); and

transferring the data to the mobile device via the second, higher bandwidth, communication link (col.6, lines 5-60).

Regarding claim 2 Raith teaches wherein the first communication link is provided over a public land mobile network (fig. 3, 300, 310).

Regarding claim 3 Raith teaches wherein the second communication link is provided over a wide band short range wireless network (fig. 3, 320).

Regarding claims 4-6 Raith teaches wherein the second communication link operates in licensed and an unlicensed portion of the electromagnetic spectrum (col. 3, lines 27-42, col. 7, lines 15-30, col. 8, lines 42-55).

Regarding claim 9 Raith teaches further including the steps of encrypting the data;  
transferring a decryption key via the first communication link; and transferring the data via the second communication link.

Regarding claim 11 Raith teaches method of data transfer to a mobile device, the method comprising providing a mobile device communicatable with a first

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communications network and with a second communication network (abstract, figs. 1,3 and 5);

having the device in communication with the first network and transferring a message to the device via the first network, the message being indicative of the fact that data is desired to be transferred to the device (col. 5, lines 49-64);

putting the device in communication with the second network and transferring the data to the device via the second network (col. 6, lines 5-60).

Regarding claim 12 Raith teaches wherein the second network has the capability of transferring the data more cheaply than if it were transferred over the first network (col. 6, lines 50-60).

Regarding claim 13 Raith teaches wherein the first and second networks have telecommunication links of different bandwidths (col. 5, lines 1-23, col. 6, lines 50-60).

Regarding claim 14 Raith teaches wherein the second network has 10 a higher bandwidth than the bandwidth of the first network (col. 6, lines 50-60).

Regarding claim 15 Raith teaches wherein the first network comprises a wireless network, with wireless communication to the mobile device (abstract).

Regarding claims 16, 17 Raith teaches wherein the second network has a wireless link with the mobile device when the mobile device is within range of a second network transmitter and/or receiver (col. 6, lines 5-60).

Regarding claim 18 Raith teaches a method of data transfer including (abstract, figs. 1,3 and 5);

providing first and second communication links of differing bandwidths between a network and a mobile device (col. 5, lines 1-23);

entering data onto the mobile device (col. 6, lines 5-60);

notifying the network via the first, lower bandwidth, communication link of data awaiting transfer thereto (col. 5, lines 49-64); and

transferring the data to the network via the second higher 5 bandwidth communication link (col. 6, lines 5-60).

Regarding claim 19 Raith teaches a data transfer system comprising a network, a mobile device, a first transmitter and a second transmitter, the network being adapted to contain data, the mobile device being adapted to receive signals from both the first and second transmitters, the first transmitter being adapted to transmit a signal to the mobile device when data on the network is available to be transferred to the mobile device, the second transmitter being adapted to transmit data to the mobile device (col. 5, lines 1-64, col. 6, lines 5-60, abstract, figs. 1,3 and 5)

Regarding claim 21 Raith teaches wherein the second transmitter operates at a frequency within the range of the order of 1 GHz to the order of a few tens of GHz (col. 6, lines 50-60).

Regarding claim 22 Raith teaches wherein the second transmitter is a wireless LAN base station (fig. 3, 320).

Regarding claim 23 Raith teaches wherein the second transmitter is a wide band short range transmitter (col. 6, lines 50-60, 320).

Regarding claim 24 Raith teaches wherein the signal is a digitally encoded signal (col. 4, lines 20-45).

Regarding claim 31 Raith teaches apparatus for transferring data from a network to a mobile device comprising (abstract, figs. 1,3 and 5):

first and second transmitters respectively having differing lower and higher bandwidths for transmitting data in the network to the mobile device (col. 5, lines 1-64);

the first transmitter being arranged for notifying the mobile device of data awaiting transfer thereto from the network via the first, lower bandwidth (col. 5, lines 1-64); and

the second transmitter being arranged for transferring the data to the mobile device via the second, higher bandwidth (col. 6, lines 5-60).

Regarding claim 32 Raith teaches apparatus for transferring data from a network to a mobile device comprising a first transmitter and a second transmitter for transmitting signals to the mobile device, the first transmitter being adapted to transmit a signal to the mobile device when data on the network is available to be transferred to the mobile device, the second transmitter being adapted to transmit data to the mobile device (col. 5, lines 1-64, col. 6, lines 5-60, abstract, figs. 1,3 and 5).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7,8,10,20,25-28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (6493550) and further in view of Treyz et al (6587835).
6. Regarding claims 7,8,10,20,25-28 and 29 Raith does not specifically teach plurality of second communication links at a plurality of locations, video data and GPS.

In an analogous art, Treyz et al teaches plurality of second communication links at a plurality of locations (fig. 1), video data (col. 16, lines 55-67) and GPS (col. 23-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Raith by specifically adding features plurality of second communication links at a plurality of locations, video data and GPS increasing the efficiency of the system as taught by Treyz et al.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brankovic et al (6600913), McEwan (5589838) Eaton et al (6577849) and Rautila (6524189) teach transferring the data to the mobile device via the first and the second communication links.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.



**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2684 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

**Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.**

**Khawar Iqbal**



**NGUYEN T. VO  
PRIMARY EXAMINER**